IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital: the 06th day of December, 2006
Crl. Ist Bail Application No. 1134 of 2006

Order on the Bail Application:
CRIMINAL SIDE

Mrs. Seema Gupta
W/o Dr. R.K. Gupta,
Director, Neeraj Clinic Pvt. Ltd.,
13/2, Sadanand Marg,
Rishikesh, District Dehradun.

…… Applicant

Versus

State of Uttaranchal ……. Opposite Party

Arising out of Spl. Sessions Trial No. 14 of 2004
Under Sections: 17-B(b) of the Drugs & Cosmetics Act, 1940 read with Rule 97 of Drugs and Cosmetics Rule, 1945, Section 3(d) of the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 and Section 22(c) read with Section vii (a) and c viii (a) of Section 2 of the N.D.P.S. Act, 1985.
District: Dehradun.

Hon'ble Prafulla C. Pant, J.

Heard Mr. K.T.S. Tulsi, Sr. Advocate assisted by Mr. V.B.S. Negi, learned counsel for the applicant and Mr. U.P.S. Negi, Addl. Advocate General assisted by Mr. A. Rab, Addl. Advocate General, for the State.

Applicant Mrs. Seema Gupta, who is in jail in connection with Special Session Trial No. 14 of 2004, relating to offences punishable under Section 17-B (b) of the Drugs and Cosmetic Act, 1940 read with Rule 97 of the Drugs and Cosmetics Rule, 1945, Section 3(d) of the Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 and Section 22(c) read with Section vii (a) and c viii (a) of Section 2 of the Narcotic Drugs and Psychotropic Substances Act, 1985, District Dehradun, has sought her release on bail.

Learned Additional Advocate General for the State sought further time to seek instructions, to which learned Senior Counsel for the applicant, who has come from Delhi, has objection. Therefore, the prayer for adjournment is turned down.

Seven co-accused have already been enlarged on bail by the trial court. They were said to be medical officers engaged in the Clinic run by Dr. R.K. Gupta, husband of the applicant. The applicant is a woman.

In view of the observation made by the Apex court in the case of **State of Uttaranchal Vs. Rajesh Kumar Gupta J.T 2006 (10) Supreme Court pg 8,** whereby the bail of main accused R.K. Gupta was upheld by the Apex court in Criminal Appeal No. 672 of 2006, in the connected main case, in the opinion of this Court, the application deserves bail.

Without expressing any opinion as to the final merits of the case, in the above circumstances, this Court directs that the applicant Mrs. Seema Gupta be released on bail on her executing a personal bond and furnishing two sureties each of the like amount to the satisfaction of the Special Judge / Additional Sessions Judge concerned.

(Prafulla C. Pant, J.)

Dt. 06.12.2006
H. Negi